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8

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**
11

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.
15

16 ALBERT LANDAVERDE,

17 Defendant.
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Case No. 2:19-MJ-00935-BNW

**STIPULATION TO AMEND
SENTENCE TO TIME SERVED**

19 IT IS HEREBY STIPULATED AND AGREED, by and between
20 Christopher Chiou, Acting United States Attorney, and Rachel Kent, Special
21 Assistant United States Attorney, counsel for the United States of America, and
22 Rene L. Valladares, Federal Public Defender, and Joanne L. Diamond, Assistant
23 Federal Public Defender, counsel for Albert Landaverde, that the sentence
24 imposed on February 19, 2020, be amended to time served.

25 This Stipulation is entered into for the following reasons:
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1 1. On February 19, 2020, Mr. Landaverde pled guilty to the charge of
2 Driving Under the Influence. ECF No. 14. The Court then sentenced him to a
3 term of 12 months unsupervised probation with the following special conditions:
4 (a) complete DUI School with Victim Impact Panel, (b) complete 84 hours of
5 community service, (c) pay fines totaling \$510.00, (d) have no adverse contact
6 with law enforcement, (e) refrain from Lake Mead National Recreational Area for
7 a period of 6 months. *Id.*

8 2. As of October 15, 2020, Mr. Landaverde has been in jail in Los
9 Angeles on a pending California state charge (Case No. KA125723-01). Mr.
10 Landaverde's case was transferred to Mental Health Court. He has been found
11 incompetent to stand trial and, on February 26, 2021, the presiding judge ordered
12 Mr. Landaverde committed to the California Department of Mental Health for
13 placement in the Department of State Hospitals with a maximum commitment
14 date of February 26, 2023.

15 3. Based on his almost 5 months' incarceration in California, and
16 pending mental health commitment, the parties request the Court amend the
17 sentence imposed on February 19, 2020, to time served.

18 DATED: March 9, 2021.

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20 RENE L. VALLADARES
21 Federal Public Defender

 CHRISTOPHER CHIOU
 Acting United States Attorney

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23 By /s/ Joanne L. Diamond
24 JOANNE L. DIAMOND
25 Assistant Federal Public Defender

 By /s/ Rachel Kent
 RACHEL KENT
 Special Assistant United States
 Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 UNITED STATES OF AMERICA,

5 Plaintiff,

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9 Defendant.
10

Case No. 2:19-MJ-00935-BNW

ORDER

11 Based on the pending Stipulation of counsel, IT IS ORDERED that the
12 sentence imposed on February 19, 2020, is amended to time served.

13 DATED this 22nd day of March, 2021.

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15 UNITED STATES MAGISTRATE JUDGE
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